

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VERSATA SOFTWARE INC., et al.,
Plaintiffs,

v.

SAP AMERICA, INC. and SAP AG,
Defendants.

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CASE NO. 2:07-CV-153 CE

PERMANENT INJUNCTION

It is ORDERED that SAP America, Inc., SAP AG, and their officers, agents, servants, employees, and attorneys (collectively “SAP”) and those in active concert or participation with any of them, including distributors and consultants, who receive actual notice of this Order by personal service or otherwise are hereby ENJOINED and RESTRAINED during the term of U.S. Patent 6,553,350 (the “350 patent”) from making, using, offering to sell, selling, or importing in or into the United States (as defined in 35 U.S.C. § 271(a)), or supplying from the United States (as defined in 35 U.S.C. § 271(f)), or causing to be made, used, offered for sale, sold, or imported in or into the United States, or supplied from the United States (included within the foregoing, but not limited thereto, is the provision of support or maintenance) the “Infringing Products” (namely, SAP’s R/3 4.6B; R/3 4.6C; R/3 Enterprise 47x110; R/3 Enterprise 47x200; mySAP ERP 2004; mySAP ERP 2005; ERP 6.0; CRM 2.0C; CRM 3.0; IPC 3.0; CRM 3.1; IPC 3.0; CRM 4.0; IPC 4.0; CRM 5.0; CRM 6.0; CRM 2007; and CRM 7.0, including all versions thereof before and after the May 6, 2010 modification), to the extent they embody the “Enjoined Capability” (defined in the next paragraph) and all other SAP software products that are (a) no more than colorably different therefrom in the context of claims 26, 28, and/or 29 of the ’350 patent (the “Infringed Claims”) and (b) infringe one or more of the Infringed Claims, whether

individually or in combination with other products or as a part of another product, and from otherwise infringing, inducing others to infringe (as defined in 35 U.S.C. § 271(b)), or contributing to the infringement (as defined in 35 U.S.C. § 271(c)) of one or more of the Infringed Claims of the '350 patent by way thereof.

The Enjoined Capability is the following pricing execution capability in the Infringing Products: the capability to execute a pricing procedure using hierarchical accesses to hierarchical arrangements of customer/partner data and product/material data. In technical terms for clarity, the Enjoined Capability is the capability to determine a price by executing steps including: (a) retrieving condition records with two or more key fields (at least one of which is not fixed) corresponding to data originating from the customer/partner master and (b) retrieving condition records with two or more key fields (at least one of which is not fixed) corresponding to data originating from the material master.

SAP shall, within sixty (60) days of the issuance of this Order, completely remove and/or completely disable the Enjoined Capability from any new placement of the Infringing Products. In addition, until SAP completes Disablement of the Enjoined Capability in the United States and provides written verification thereof to the satisfaction of Versata and the Court, SAP shall not (a) charge or accept payment of software maintenance with respect to any of the Infringing Products in the United States; or (b) license or sell new "seats" or otherwise charge or accept license revenue in connection with any of the Infringing Products in the United States.

SAP shall provide notice of this injunction to all entities or persons in the United States, including all customers, distributors, consultants, and end-users, in the possession of, or users of, any of the Infringing Products and/or the Enjoined Capability, in which SAP (a) charges or accept payment of software maintenance with respect to any of the Infringing Products in the United States; or (b) licenses or sells a new "seats" or otherwise charges or accepts license

revenue in connection with any of the Infringing Products in the United States. The notice shall include a copy of this Order. The notice shall make it clear that the Enjoined Capability shall not otherwise be available or enabled in the United States, or be beneficially used in or from the United States.

This injunction does not require Disablement by SAP with regard to Infringing Products sold to the United States government.

IT IS SO ORDERED.

SIGNED this 9th day of September, 2011.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE